

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chairman Mike Milburn, on February 13, 2009 at 3:00 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Mike Milburn, Chairman (R)
Rep. Gordon R. Hendrick, Vice Chairman (R)
Rep. JP Pomnichowski, Vice Chairman (D)
Rep. Tony Belcourt (D)
Rep. Gerald Bennett (R)
Rep. Sue Dickenson (D)
Rep. Betsy Hands (D)
Rep. Brian Hoven (R)
Rep. Tom McGillvray (R)
Rep. Mike Menahan (D)
Rep. Scott Mendenhall (R)
Rep. Mike Miller (R)
Rep. Michele Reinhart (D)
Rep. Kendall Van Dyk (D)
Rep. Chas Vincent (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Anders Blewett (D)
Rep. Jill Cohenour (D)

Members Absent: None

Staff Present: Shirley Chovanak, Committee Secretary
Joe Kolman, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 379, 1/27/2009; HB 411,
1/31/2009

Executive Action: HB 77; HB 313; HB 319; HB 359;
HB 429; HB 446; HB 447

00:00:00 Chairman Milburn

HEARING ON HB 379

Opening Statement by Sponsor:

00:01:24 Rep. Gordon Hendrick (R), HD 14, opened the hearing on
HB 379, Revise water law for changes.

EXHIBIT (nah34a01)

Proponents' Testimony:

00:06:51 Don MacIntyre, Mountain Water Company (MWC)
00:18:44 Ross Miller, Attorney, Clark Fork Coalition
00:27:15 Tim Davis, Montana Smart Growth Coalition
00:27:50 John Kappes, Assistant General Manager/Vice President,
MWC

EXHIBIT (nah34a02)

00:33:58 Jay Skoog, American Council of Engineering Companies of
Montana
00:34:46 Steve Wade, Montana Rural Water Systems

Opponents' Testimony:

00:35:31 Mike Murphy, Montana Water Resources Association
00:38:43 Holly Franz, PPL Montana
00:47:20 Walt Sales, Association of Gallatin Agriculture
Irrigators
00:49:09 Laurie Haverty-Ramus

Informational Testimony:

00:50:46 Candace West, Chief Counsel, Department of Natural
Resources and Conservation (DNRC)

Questions from Committee Members and Responses:

00:51:41 Rep. Cohenour
00:52:01 Ms. Franz
00:53:02 Rep. Cohenour
00:53:05 Ms. Franz
00:53:20 Rep. Dickenson
00:53:55 Ms. Franz
00:55:35 Rep. Dickenson
00:56:00 Mr. Miller
00:57:24 Rep. Vincent
00:57:58 Ms. West

00:58:30 Rep. Vincent
00:58:42 Ms. West
00:58:48 Rep. Vincent
00:58:58 Mr. Miller
01:00:15 Mr. Vincent
01:00:22 Mr. Miller
01:00:26 Rep. Vincent
01:00:45 Mr. Miller
01:01:20 Rep. Vincent
01:01:26 Mr. Miller
01:01:34 Rep. Vincent
01:02:07 Rep. Reinhart
01:02:38 Ms. Franz
01:03:30 Rep. Reinhart
01:03:47 Ms. Franz
01:04:28 Ms. Reinhart
01:04:59 Ms. West
01:07:18 Rep. Reinhart
01:07:28 Ms. West
01:07:58 Mr. Miller
01:09:01 Rep. Pomnichowski
01:09:27 Ms. Franz
01:09:54 Rep. Pomnichowski
01:10:27 Ms. Franz
01:11:06 Rep. Pomnichowski
01:11:20 Ms. Franz
01:11:44 Rep. Pomnichowski
01:12:40 Ms. Franz
01:13:39 Rep. Pomnichowski
01:14:32 Ms. Franz
01:15:20 Chairman Milburn
01:16:32 Ms. Franz
01:16:52 Chairman Milburn
01:17:00 Ms. Franz
01:17:08 Rep. Hands
01:20:46 Chairman Milburn
01:20:56 Mr. Miller
01:23:29 Chairman Milburn
01:23:45 Rep. Mendenhall
01:24:14 Rep. Hendrick
01:25:00 Rep. Miller
01:25:23 Rep. Hendrick
01:25:49 Mr. MacIntyre
01:26:27 Rep. Vincent
01:27:32 Ms. Franz

Closing by Sponsor:

01:29:22 Rep. Hendrick

HEARING ON HB 411

Opening Statement by Sponsor:

01:32:37 Rep. Bill McChesney (D), HD 40, opened the hearing on
HB 411, Flood damage mitigation assistance program.

Proponents' Testimony:

01:36:38 Jason Rittal, Executive Director, Eastern Plains
Economic Development Corporation

EXHIBIT (nah34a03)

01:40:15 Bob Gilbert, City of Glendive and Dawson County

EXHIBIT (nah34a04)

01:42:22 Joe Whalen, Mayor, Miles City

01:52:51 Jay Skoog

Opponents' Testimony: None

Informational Testimony:

01:56:33 Laurence Siroky, Water Operations, Department of
Natural Resources (DNRC)

01:58:25 John Tubbs, DNRC

Questions from Committee Members and Responses:

01:59:31 Rep. McGillvray

01:59:49 Rep. McChesney

02:01:41 Rep. McGillvray

02:01:50 Rep. McChesney

02:01:57 Rep. McGillvray

02:02:47 Mr. Whalen

02:04:58 Rep. McGillvray

02:05:26 Mr. Whalen

02:05:37 Chairman Milburn

02:05:46 Rep. Miller

02:06:10 Mr. Whalen

02:06:20 Rep. Miller

02:06:37 Mr. Whalen

02:07:07 Rep. Hoven

02:07:52 Mr. Whalen

02:08:01 Rep. Hoven

02:08:11 Mr. Whalen

02:09:15 Rep. Hoven

02:09:27 Mr. Whalen

02:10:11 Rep. Reinhart

02:10:42 Mr. Siroky

02:11:03 Rep. Reinhart

02:11:10 Mr. Siroky
 02:11:17 Rep. Reinhart
 02:11:20 Mr. Siroky
 02:11:56 Rep. Reinhart
 02:12:02 Rep. Vincent
 02:12:28 Mr. Siroky
 02:13:04 Rep. Reinhart
 02:13:18 Mr. Siroky
 02:15:03 Rep. Reinhart
 02:15:11 Mr. Siroky
 02:15:56 Rep. Hendrick
 02:16:38 Mr. Whalen
 02:18:23 Rep. Pomnichowski
 02:18:50 Mr. Whalen
 02:23:07 Rep. Pomnichowski
 02:27:30 Mr. Whalen
 02:23:42 Rep. Pomnichowski
 02:24:18 Mr. Siroky
 02:27:05 Rep. Pomnichowski
 02:27:22 Mr. Siroky
 02:27:50 Rep. Pomnichowski
 02:28:14 Mr. Siroky

Closing by Sponsor:

02:28:55 Rep. McChesney
[EXHIBIT \(nah34a05\)](#)

02:33:23 Break
 02:51:34 Resume

EXECUTIVE ACTION

02:51:55 Chairman Milburn
 02:53:40 **Motion/Vote:** Rep. Pomnichowski moved that **HB 359 and HB 429 BE COMBINED** to create a committee bill. Motion carried unanimously by voice vote. Reps. Cohenour, Van Dyk, and Blewett voted by proxy.

EXECUTIVE ACTION ON HB 77

02:55:42 **Motion/Vote:** Rep. McGillvray moved that **HB 77 BE TABLED**. Motion carried unanimously by voice vote with Reps. Cohenour, Van Dyk, and Blewett voting by proxy.

EXECUTIVE ACTION ON HB 313

02:56:40 **Motion:** Rep. Pomnichowski moved that **HB 313 DO PASS.**

Discussion:

02:58:02 Chairman Milburn
02:58:43 Rep. Dickenson
02:58:45 Rep. Van Dyk returned.
03:00:00 Rep. Reinhart
03:01:30 Rep. Mendenhall
03:03:14 Rep. Bennett
03:03:53 Rep. Hands
03:04:52 Rep. Miller
03:05:22 Rep. Hoven

03:06:53 **Vote:** Motion failed 9-9 by roll call vote with Reps. Pomnichowski, Van Dyk, Reinhart, Hands, Dickenson, Belcourt, and Menahan voting aye. Reps. Blewett and Cohenour voted by proxy.

03:07:58 **Motion/Vote:** Rep. Pomnichowski moved that **HB 313 BE TABLED.** Motion carried 17-1 by voice vote with Rep. Van Dyk voting no. Reps. Blewett and Cohenour voted by proxy.

EXECUTIVE ACTION ON HB 446

03:08:34 **Motion:** Rep. Pomnichowski moved that **HB 446 DO PASS.**

03:09:58 Chairman Milburn

03:10:55 **Vote:** Motion failed 9-9 by roll call vote with Reps. Pomnichowski, Van Dyk, Reinhart, Hands, Dickenson, Belcourt, and Menahan voting aye. Reps. Blewett and Cohenour voted by proxy.

03:11:50 **Motion/Vote:** Rep. Pomnichowski moved that **HB 446 BE TABLED.** Motion carried 15-3 by voice vote with Reps. Van Dyk, Reinhart, and Dickenson voting no. Reps. Blewett and Cohenour voted by proxy.

EXECUTIVE ACTION ON HB 319

03:11:55 **Motion:** Rep. McGillvray moved that **HB 319 DO PASS.**

03:12:44 **Substitute Motion/Vote:** Rep. Hendrick moved that **HB 319 BE TABLED**. Motion carried 10-8 by roll call vote with Reps. Pomnichowski, Van Dyk, Reinhart, Hands, Cohenour, Dickenson, Belcourt, and Menahan voting no. Reps. Blewett and Cohenour voted by proxy.

EXECUTIVE ACTION ON HB 447

03:14:56 **Motion:** Rep. Pomnichowski moved that **HB 447 DO PASS**.

Discussion:

03:15:55 Rep. Miller

03:16:12 **Motion/Vote:** Rep. Pomnichowski moved that **HB 447 BE AMENDED**. Motion carried unanimously by voice vote. Reps. Cohenour and Blewett voted by proxy.

EXHIBIT (nah34a06)

03:17:50 **Substitute Motion:** Rep. Pomnichowski moved that **HB 447 DO PASS AS AMENDED**.

Discussion:

03:17:59 Rep. Mendenhall

03:18:20 **Vote:** Motion failed 9-9 by roll call vote with Reps. Pomnichowski, Van Dyk, Hands, Reinhart, Dickenson, Belcourt, and Menahan voting aye. Reps. Blewett and Cohenour voted by proxy.

03:19:32 **Motion/Vote:** Rep. Pomnichowski moved that **HB 447 BE TABLED**. Motion carried 16-2 by voice vote with Reps. Dickenson and Van Dyk voting no. Reps. Cohenour and Blewett voted by proxy.

03:19:32 Chairman Milburn

03:19:48 Mr. Kolman

03:22:01 Rep. Pomnichowski

03:22:02 Rep. Dickenson

03:22:40 Rep. Menahan

ADJOURNMENT

03:24:06 Adjournment: 6:30 P.M.

Shirley Chovanak, Secretary

SC

Additional Exhibits

[EXHIBIT \(nah34a07\)](#)

[EXHIBIT \(nah34a08\)](#)

[EXHIBIT \(nah34a09\)](#)

Additional Documents:

[EXHIBIT \(nah34aad.pdf\)](#)